



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ZA/CAC
F. #2010R00057

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 2, 2014

By Hand and ECF

Honorable Raymond J. Dearie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Abid Naseer
Criminal Docket No. 10-19 (S-4) (RJD)

Dear Judge Dearie:

The government respectfully submits this letter in response to the defendant's August 12, 2014 motion to suppress certain emails provided in discovery that he claims were obtained pursuant to the Foreign Intelligence Surveillance Act ("FISA"), 50 U.S.C. §§ 1801 *et seq.* See Defendant's Motion ("Def. Mot."), Docket # 328. Because the materials in question were obtained through a Rule 41 search warrant and Section 2702 Emergency Disclosure Request rather than pursuant to FISA, his motion should be denied as moot.

The defendant lists three email accounts in his letter, the contents of which have been provided to him by the government in discovery: sanapakhtana@yahoo.com,¹ humaonion@yahoo.com and chipyparveen@yahoo.com. Def. Mot. at 1. The contents of the sanapakhtana account were obtained by the government pursuant to a Rule 41 Search Warrant, a copy of which is attached hereto as Exhibit 1. The contents of the humaonion and chipyparveen accounts were obtained through an Emergency Disclosure request pursuant to 18 U.S.C. § 2702, a copy of which is attached hereto as Exhibit 2.

¹ The defendant refers to this email address as "sanaphatana@yahoo.com" in his motion.

Because neither the search warrant nor the Emergency Disclosure request were issued pursuant to FISA, the defendant is not entitled to a remedy under that statute. Accordingly, the government respectfully requests that the defendant's motion be dismissed as moot.

Respectfully submitted,

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